

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

August 14, 2012

POST SUMMARY MINUTES

PRESENT: Chairman Eldrin Bell, Commissioner Sonna Singleton, Commissioner Michael Edmondson, Commissioner Gail Hambrick, and Clerk Shelby D. Haywood.

ABSENT: Vice-Chairman Wole Ralph.

1. Chairman Bell called the meeting to order.
2. Invocation was led by Pastor Donald E. Battle of Divine Faith Ministries International in Jonesboro, Georgia. Pledge of allegiance to the flag was led by Chairman Bell.
3. Amended the agenda by adding Resolution 2012-175 (Authorizing Clayton County to activate the Urban Redevelopment Agency of Clayton to provide for the membership of the Board of Commissioners of the Urban Redevelopment Agency; to repeal conflicting resolutions; to provide an effective date of this resolution; and for other purposes); adding Resolution 2012-176 (Authorizing Clayton County to disburse certain revenues to the City of Forest Park in connection with the Tax Allocation Increment for the City of Forest Park's Tax Allocation District No. 1 – "Forest Park Main Street and Ft. Gillem"; to authorize the Chairman to perform all acts necessary to accomplish the intent of this resolution; to authorize the Finance Director to amend the budget to reflect an appropriate revenue source and expense all as may be required; to provide an effective date of this resolution; and for other purposes); and deleting the Executive Session. The motion carried 3-0-1. Commissioner Edmondson abstained.
4. Approved the August 7, 2012 Regular Business Meeting minutes. The motion carried 3-0-1. Commissioner Edmondson abstained.
5. Theodis Locke, Interim Director of Central Services/Risk Management, presented three (3) items which resulted in the following Board actions.
 - 1) Approved a bid (RFB #11-44; 1/23/12) for Clayton County Justice Complex Laundry Services, Annual Contract. This bid is for an annual contract to authorize laundry services to the Clayton County Jail, located at 9151 Tara Boulevard in Jonesboro, Georgia. The bid was reviewed by the Sheriff's Department and the recommendation is to award a contract to Aramark Correctional Services, located in Downers Grove, Illinois, with a renewable contract for four (4) additional years, at a monthly fee of \$16,000.00. Aramark Correctional Services was the only bidder. Funding is available through the Sheriff's Office's general fund. The motion carried 4-0.

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2) Approved a request by the Community Development Department Director for an update on the department's computers and network services system, which needs to connect to the HUD services programs in a more effective and efficient manner. Purchases for this upgrade would be made through State Contracts, Annual Contracts and Purchasing Co-Op's. The cost for this project would be in the amount of \$89,269.00. Funding is available through the HUD Funds. The motion carried 4-0.

3) Approved a request by the Director of Community Development to rescind the award to Selectron Technologies Inc., located in Portland, Oregon, for the purchase and upgrade of the current software application being used by the Community Development Department. The award was originally approved by the Clayton County Board of Commissioners during a Regular Business Meeting on July 3, 2012. After further investigation, however, it was determined that this is a two-part project. The software application will be purchased from SunGard Public Selection, and it is a sole source product from SunGard Public Sector, called OneSolution. Total cost of the software application purchase is \$290,320.00. The second part of the project is for the Interactive Voice Response System (IVR). Central Services requests to waive the sealed bid process and purchase this item utilizing the U.S. General Services Administration (GSA) contract with Selectron Technologies Inc., in the amount of \$44,537.57. Funding is available through the Community Development general fund. The motion carried 4-0.

6. Angela Jackson, Director of Finance, submitted several "clean-up" budget amendments for the FYE 6-30-12, which resulted in these Board actions.

1) Approved Budget Amendment #2-37/Clerk of Superior/Magistrate Court/FYE 6-30-12, in the amount of \$65,482.00, to recognize revenue collected in excess of the revenue budget and cover the cost of additional wages, benefits, overtime, and jury script fees. The motion carried 4-0.

2) Approved Budget Amendment #2-38/District Attorney's Office/FYE 6-30-12, in the amount of \$141,708.00, to recognize revenue collected in excess of the revenue budget and cover the cost of additional wages, benefits, overtime, records expense and witness fees. The motion carried 4-0.

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3) Approved Budget Amendment #2-48/Library/FYE 6-30-12, in the amount of \$360.00, to recognize revenue collected in excess of the revenue budget and to cover the cost of additional employee benefits. The motion carried 4-0.

4) Approved Budget Amendment #2-51/Fleet Maintenance/FYE 6-30-12, in the amount of \$1,278,300.00, to recognize revenue collected in excess of the revenue budget and to cover the cost of additional fuel, tire disposal fees, uniform rental and repairs and maintenance. The motion carried 4-0.

5) Approved Budget Amendment #2-52/Community Development/FYE 6-30-12, in the amount of \$12,000.00, to amend the budget to pay consulting fees for the remainder of the year. The motion carried 4-0.

7. Approved Resolution 2012-170 to authorize Clayton County to enter into a Memorandum of Understanding with the Cooperative Extension and the Office of the Vice President for Public Service and Outreach on behalf of the University of Georgia, ("UGA Partners of Archway Partnership Project") providing for the terms and conditions under which the development and implementation of the Clayton County Archway Partnership Project will be administered. The motion carried 4-0.

8. Approved Resolution 2012-171 to authorize Clayton County to enter into a new Lease Agreement with the Georgia Department of Human Resources providing for the lease of office space located at 877 Battle Creek Road, Jonesboro, Georgia for use by the Clayton County Department of Family and Children Services. The motion carried 4-0.

9. Approved Resolution 2012-172 to authorize Clayton County Juvenile Court, on behalf of the Board of Commissioners, to apply for the Office of Juvenile Justice and Delinquency Prevention Reform and Investment Demonstration Program Grant. The motion carried 4-0.

10. Approved Resolution 2012-173 to authorize and approve an amended and restated agreement of sale to be dated as of September 1, 2012, between the Urban Redevelopment Agency of Clayton County, Georgia (The "Agency") and Clayton County, Georgia (The

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"County") and to authorize and request the issuance by the Agency of its Urban Redevelopment Agency of Clayton County, Georgia Revenue Refunding Bonds (Clayton County, Georgia Project), Series 2012 (The "Series 2012 Bonds") in an aggregate principal amount not to exceed \$17,000,000.00, for the purpose of refunding the remaining outstanding Urban Redevelopment Agency of Clayton County, Georgia Revenue Bonds (Clayton County, Georgia Project), Series 2003 and the Urban Redevelopment Agency of Clayton County, Georgia Revenue Bond (Clayton County, Georgia Project), Series 2005; and for other purposes. The motion carried 3-0-1. Commissioner Edmondson abstained due to a potential conflict.

11. Approved Resolution 2012-174 to authorize Clayton County to enter into an agreement with Project 2012 Films, Inc. providing for the terms and conditions under which filming will take place on county property located at 5711 Jonesboro Road, Lake City, Georgia 30260 for the production of a movie; to authorize the Chairman to execute the agreement and otherwise to perform all other acts necessary to accomplish the intent of this resolution; to provide an effective date of this resolution; and for other purposes. The motion carried 4-0.

12. Approved Resolution 2012-175 to amend Resolution 2002-153, activating the Urban Redevelopment Agency of Clayton to provide for the membership of the Board of Commissioners of the Urban Redevelopment Agency; to repeal conflicting resolutions, to provide an effective date of this resolution, and for other purposes. The motion carried 4-0.

13. Approved Resolution 2012-176 to provide for the disbursement of certain revenues to the City of Forest Park in connection with the Tax Allocation Increment for the City of Forest Park's Tax Allocation District No. 1 – "Forest Park Main Street and Ft. Gillem"; to authorize the Chairman to perform all acts necessary to accomplish the intent of this resolution; to authorize the Finance Director to amend the budget to reflect an appropriate revenue source and expense, all as may be required; to provide an effective date of this resolution; and for other purposes. The motion carried 4-0.

12. **ZONING PETITION: BRANCH BANKING & TRUST CO.**

PUD201202-01

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The Applicant, Branch Banking & Trust Company, is requesting a change in the zoning classification of 25.392 acres of land located in Land Lot 186 of the 13th District of Clayton County within the Embassy Trace Subdivision. The request is as follows:

- To accept the Conceptual Development for property located at/within Land Lot 186 of the 13th District in Riverdale, Georgia, and otherwise known as Parcel Number 13186D A014. The subject property is currently zoned Single Family Residential (RS-180), and the request is to create 71 single family residential lots.

The Planning and Zoning Staff's recommendation is Approval of the request for Conceptual Site Development Plan Approval under the Planned Unit Development (PUD) process with Stipulations.

Commission District #2: Commissioner Gail Hambrick

Before Attorney C. Crandle Bray came forward to present the petition, Chairman Bell asked on behalf of Commissioner Hambrick if anyone were present in opposition. Five (5) individuals stated they were present in opposition to the petition and were given the opportunity to speak following the presenting of the petition.

After greeting the Board and Chairman Bell, Mr. Bray noted that the Board was probably aware that the petition started in February, and that it had been through a planning stage to get to the current point. He said Planning and Zoning had recommendations numbering 18 and that Branch Banking & Trust Company (BB&T) agreed with them.

Mr. Bray added that Commissioner Hambrick had informed him that there was a concern about the 71-lot development, pertaining to drainage on the west property line, which would be addressed under the Water Authority. The Water Authority will not consider the project unless it has determined that the water run-off has been addressed properly. Mr. Bray said that BB&T would comply with whatever regulations are in place to control the water run-off on the site.

Mr. Bray stated that the plans for the development call for a 25-foot natural buffer along the west property line. However, he said, a problem exists with the contiguous property owners. Still,

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Mr. Bray said the developers will find a way to increase the foliage in the natural buffer zone in order to control the water run-off there.

Chairman Bell asked Mr. Bray if he had agreed to any stipulations made by Commissioner Hambrick as a part of the agreement, to which Mr. Bray said yes, he and BB&T had agreed. Commissioner Hambrick said that a discussion had taken place with a Transportation and Development representative, and that T&D and the Water Authority had agreed to clean up a stream on the property that is being called a creek. Community Development Director Patrick Ejike added that the Water Authority has the responsibility to do it, but T&D will cooperate. Commissioner Hambrick asked if all of this will be in writing and Mr. Ejike answered that it would. Chairman Bell affirmed it would be noted as such on the plat.

Clerk Shelby Haywood asked for those in opposition to state their names before making their remarks and that she would insert them as part of the record. The first to speak was Marvin Henderson, president of the Shingle Lake Subdivision. He said his one concern is working with Commissioner Hambrick and other County officials to get a written agreement from the developers on how they will remove debris that is blocking the water flow at the location in question. He requested that a written agreement be in place prior to the start of any construction.

The next speaker in opposition was Mr. Keith Parker, who resided at 7376 Ambassador Drive, a property directly impacted by the construction of the 71 lots. Mr. Parker said he has watched the construction go from hand to hand and owner to owner, and from the beginning of the process there has been spoilage and debris pushed into the natural creek bed that is now causing flooding in the subdivision; flooding that had not been happening prior to construction. He and his neighbors want to ensure that before moving forward, the creek bed is cleared of debris. Their intent is not to stop the project. They just want the situation addressed before there is any further movement on the project.

Mr. Parker was followed by Ms. Marcia Miller, who resided at 174 Ambassador Drive. She said her property is impacted by the water run-off and it is spoiling her foundation. During the last rainfall, the water backed up in her basement and she cannot afford [the cleanup]. She, too, would like to have a written agreement that addresses the water issue.

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Next was Debra Hodge, who resided at 1600 Coronet Drive in Riverdale. She said Lots 14, 15, and 16, abut the back end of her property which goes down to the creek. When developers estimated building new homes, they ended up blocking part of Camp Creek which is causing the [flooding] problems. Developers have spoken about eliminating some lots but, so far, she has not seen a site plan and she does not know where those lots fall. When she purchased her home she was told that the lots behind her property were unbuildable, but a developer has come in and blocked up Camp Creek. Ms. Hodge asked that all of the erosion, debris and excavation problems that have blocked the natural flow of the stream and Camp Creek be addressed. She also wanted to see a plan that would give her a conception of what the new homes would look like and where they would be located. She did not want to go by what she is being told, but rather by what she can see [in writing]. She believed she and her neighbors were owed that before construction occurred.

Mr. Bray said the conceptual plans have been submitted. Lots 49 and 50 are to be removed and Lot 48 is to be reconfigured. To address the issue of drainage run-off, the County will not let [developers] put a shovel in the ground until a drainage plan for the whole project is approved by the County. There are 19 stipulations that address all the [water] issues. The next phase is to develop a final engineering plan and submit those. Next, per the stipulations, [developers] will have to submit site plans and house plans for certain lots before they can build on the lots. The first phase is to get the grading plan approved by the County, the Water Authority and the Department of Transportation. Mr. Bray said he thought all the concerns of the last several months have been addressed, with the exception of the concern Commissioner Hambrick has expressed, and the developers are willing to do that.

Commissioner Hambrick emphasized that a conceptual plan should be in place and that the residents should be able to see and get a copy of it. Commissioner Edmondson said as he read through the stipulations and the submitted narrative, he wanted clarification on several things. The square-foot of Lot 71 was supposed to be reduced to 1,500, but the stipulation was 2,200 feet. He asked Mr. Bray if that were a negotiated change. Mr. Bray said the extra square footage is caused by a two-car garage. Commissioner Edmondson noted that the previous requirements called for 33 percent side-entry garages. The narrative proposes reducing that to 15 percent, but

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percentages have been removed completely in the stipulations. He asked Mr. Bray what percentage of the previously built lots have side entry garages now in Phase I [of the development]. Mr. Bray said he could not answer that. Planning and Zoning Administrator Kc Krzic interjected that Phase I is final platted.

Commissioner Edmondson said he needed clarification on what has already been built and what will be built in the future.

Mr. Ejike said the original configuration of lots accommodates side-entrance garages, but the lot sizes are too small. That is being corrected because it is more difficult to build side-entrance garages [on small lots]. Side-entrance garages have only been built on corner lots.

Ms. Krzic stated only two official corner lots would apply realistically. Commissioner Edmondson asked what happened to the initial 33 percent that was originally required. Ms. Krzic responded that the previous zoning ordinance allowed 7,000 square-foot lots with the side-garage requirement. In order to make that happen here, the lots would have to be bigger to allow for the larger size homes. That is where there was some give and take. Phase I is in final platting and will have to have certain side-entry garages. Phase II has the requirement that they all be decorative.

Under the old zoning ordinances, when the development was platted, stipulated and signed off on, Commissioner Edmondson questioned the minimum house square-footage. Ms. Krzic replied it was 1,500 square-feet. Commissioner Edmondson sought clarification by stating that under the old ordinances, calling for 1,500 minimum square-foot homes, there was plenty of room to build 33 percent of the homes with side-entry garages. Now, under the new ordinance of 2,000 square feet minimum, there is no room on the lots to do the side-entry garages. Ms. Krzic said the original ordinance called for a two-car garage; the new [ordinance] calls for one size house. The size of the house has not gone down. A lot of the older subdivisions that were built would have to get a variance to obtain side-entry garages because another 15 feet on the side is required in order to accommodate them.

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Chairman Bell said he had one concern. Addressing Mr. Ejike, Chairman Bell said all of the citizens who spoke in opposition talked about flooding. The Commission passed an ordinance giving the responsibility of such concerns during construction to the Water [Authority].

Chairman Bell asked Mr. Ejike to guard jealously, given the rainy weather conditions, that there is no flooding issue on the property. Mr. Ejike acknowledged this.

Commissioner Edmondson said he had one more question. With the Highway 138 overlay standards the proposed stipulation No. 8 calls for paths to be constructed with a more durable material such as rubber mulch, etc. He wanted to know if that were an impervious surface like concrete or asphalt. Ms. Krzic said the original path was designed to be mulch that could wash away, so other surfaces were considered that would not create any more water run-off than what is already occurring. The developers are still required to do all of the landscaping in accordance with the Highway 138 overlay. Commissioner Edmondson said Highway 138 on that side does not require a 12-foot concrete pathway. Ms. Krzic said that was correct, but there are 10-foot sidewalks along Highway 138. Commissioner Edmondson said he had no further questions.

Chairman Bell acknowledged that Mr. Parker had raised his hand in the audience, and asked him to come back to the microphone to voice his concern. Mr. Parker said he did not hear anything addressing the amount of storm water run-off during the conversation involving Commissioner Edmondson, Ms. Kzric and Mr. Ejike. Mr. Parker said his existing community, Embassy Estates, is totally impacted by the new subdivision because it is at a higher elevation and water does not travel uphill.

Chairman Bell said he understood the concern and explained that is why he instructed Mr. Ejike to guard jealously all of the rules pertaining to water run-off because he did not want the County to have to address the issue in one year, two years, five years or even 10 years because it was not done correctly the first time. He reiterated that Mr. Ejike should jealously guard all of the many regulations that serve as protection to Mr. Parker and the community. Mr. Parker said he appreciated the Chairman's comments, and added that when he purchased his home 15 years ago it was not in a flood plain.

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After listening to the discussion with all of the stipulations, Commissioner Hambrick recommended approval. Chairman Bell seconded the motion. The motion carried 4-0. For the record, stipulations were noted as follows:

Submit construction drawing/detailed development documents and testing results that includethe following:

1. Remove lots 49 and 50, and reconfigure lot 48.
2. Setbacks are to be as follows: Front – 25 feet; Side – 5 feet, but not less than 20 feet between dwellings; and Rear – 30 feet.
3. Minimum house size is to be 2,000 square feet, which includes a 2-car garage.
4. The front facades shall be constructed of brick, stone, stucco, or a combination thereof.
5. Eliminate the requirement of 33 percent of the homes shall have a 2-car side entry garage; however, require that all garage doors be decorative by design.
6. House Location Plans shall be submitted for lots 31 through 37.
7. House Location Plans and Drainage Plans shall be submitted for lots 56 through 64 and lots 103 through 105.
8. Paths shall be constructed with a more durable material, such as rubber mulch, landscape fabric, pavers, or similar product.
9. The front entrance of the subdivision and open space areas shall be landscaped in accordance with the Clayton County Zoning Ordinance Highway 138 Overlay District Standards.
10. A planted 25 feet wide buffer must be maintained and/or planted along the western and northern boundary of the site where the tree canopy is sparse.
11. A 6 feet tall privacy fence shall be installed upon lots 61 and 62, provided that written permission is granted from Atlanta Gas & Light over easement area.

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12. Provide details of recreation structures planned for open space.
13. Provide the necessary soil erosion control sheets and details.
14. Provide retaining walls and details where appropriate.
15. Any covenants, conditions, and restrictions are to be recorded for the development
16. Provide street lights in accordance with Transportation and Development Guidelines.
17. Complete an asphalt coring test and provide results to the Department of Transportation and Development for approval.
18. Complete a test of the sanitary sewer infrastructure and the water distribution system, and provide the results to the Water Authority for approval.
19. All storm water run-off must be maintained, collected, and treated on site by the Clayton County Water Authority. Any additional assistance, when necessary and appropriate, will be provided by the Transportation and Development Department. All storm water infrastructure and swales must be cleaned out and inspected to ensure that no water is flowing or pooling on adjoining homeowners' properties.

PUBLIC COMMENT:

1. Mr. Carl Swenson said a meeting was called in the Boardroom prior to the Board Meeting, to get Clayton County citizens involved in their civic responsibility. As such, a group called the Clayton County Citizens Oversight Committee (CCCOC) was formed. The committee was formed for the purpose of reviewing and investigating actions taken by the Board of Commissioners that may violate the law, their oath of office, or moral conduct unbecoming an elected representative. Mr. Swenson stressed that the members of the CCCOC, will never again allow Commission members to use tax dollars for any purpose other than for what was intended. Fraud and waste will be reviewed and, where applicable, turned over to the District Attorney and/or Sheriff for prosecution. He said a well-run county is the key to the success of the

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CCCOC and the results of not having such an oversight committee are plainly evident in the dwindling stature of Clayton County, which the all-volunteer group intends to change.

2. Mr. David Clark said he would continue Mr. Swenson's words. The CCCOC is non-political in nature and will rely on God-given common sense, to hold accountable those who misuse tax dollars for nefarious reasons or personal gain. Also, he and Mr. Swenson represent the top of the organizational chart. The CCCOC will accept and investigate all leads provided by current and former County employees and review the Comprehensive Annual Financial Report (CAFR) for further leads into misuse of public funds.

3. Mr. Bob Holtzclaw said he planned to summarize what had been heard at the meeting, but first asked all of the members of the CCCOC in attendance to stand. He stated that the mission of the CCCOC will be to ensure complete transparency in Clayton County by opening up for public view all closed door meetings/sessions and ensuring adherence to the state Sunshine Laws. He extended an invitation to the members of the Commission to work with the CCCOC freely, by providing the information they will be requesting in a complete and timely manner. Mr. Holtzclaw concluded that it was the responsibility of Clayton County citizens to make sure that the County is governed with transparency, openness, caring, integrity and honesty.

4. Ms. Colleen Kiernan, Director of the Georgia chapter of the Sierra Club, talked about restoring bus service to the County and expanding transit in the area, in light of the recent Transportation SPLOST failure. The original MARTA Act allows for any of the five core counties to join MARTA at any time. Clayton County could enter into a contract with MARTA to provide specific services and County residents would have input on route locations and service frequency. The contract would be negotiated and be put to the citizens for a vote in the next general election. An election could not be done by November 2012, but it could be done by November 2014. A penny sales tax would generate about \$35 million a year, which is more than the \$6 million that provided services for C-TRAN and is far more than the \$10 million annually that the T-SPLOST would have provided to restore bus service. She looked forward to talking more with the Commission about the issue and would be happy to answer any questions or provide more information.

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5. Mr. Joseph Brown, of Jonesboro, Georgia, noted that the CCCOC was a great idea and was overdue. The County is not doing as well as it could because the citizens are not getting involved. He referred to the Comprehensive Annual Financial Reports which indicate that money collected previously for transportation projects has not been spent, and he would therefore think twice about another tax. Mr. Brown urged everyone to join the CCCOC.

6. State Representative Roberta Abdul Salaam said she sent a written correspondence to the Commissioners regarding the opportunity the County has, in light of the T-SPLOST failure, to still utilize legislation passed by the Clayton County Delegation and supported overwhelmingly by the General Assembly in 2010. House Bill (HB) 1393 gives Clayton County the authority and permission to raise a one-cent sales tax for the purposes of joining MARTA. The citizens also voted in the November 2, 2010 election, overwhelmingly, with 67 percent of the vote, to pass a non-binding referendum, HB 1446, to do so. Representative Salaam said the closure of C-TRAN has affected the County negatively. Jobs have been lost, resulting in higher foreclosures; students cannot get to school and get into educational programs; and employees cannot get into the County to work. Companies are trying to run carpools. She said people like her daughter are paying \$13.00 a day to go to Atlanta Area Technical College and back. Unlike most other counties, Representative Salaam said Clayton County has a Plan B in place. She respectfully asked that the Commission put the issue on the agenda. The funds generated, according to the Association of County Commissioners of Georgia, would amount to \$49 million a year for use by and for Clayton County citizens. Representative Salaam finally asked the Commission to let the citizens vote on a binding referendum.

There being no further business to discuss, motion by Commissioner Singleton, second by Commissioner Hambrick, to adjourn the Regular Business Meeting of August 14, 2012 at 7:50 p.m. The motion carried 4-0.